

**State Board of Registration for Professional Surveyors
Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, Indiana 46201
Minutes of the January 30, 2015 Board meeting**

CALL TO ORDER

Mr. Ross Holloway called the meeting to order at 9:04 a.m. in Room W064 of 402 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with Ind. Code § 25-21.5.

Members Present

Ross Holloway, Vice-Chairperson
John Stephens
Mike DeBoy
Doug Lechner
Richard Hudson
Gary Kent

Members Absent

Christine Arnold, Chairperson

State Officials Present:

Amy Hall, Board Director, Indiana Professional Licensing Agency
Keri Reed, Assistant Board Director, Indiana Professional Licensing Agency
Gordon White, Deputy Attorney General, Office of the Attorney General

ADOPTION OF AGENDA

A motion was made to accept the agenda.

DeBoy/Stephens

Motion Carried 6/0/0

Mr. Kent requested to add Continuing Education to the Discussion section.

Motion Carried 6/0/0

ADOPTION OF THE MINUTES FROM JULY 25, 2014 AND OCTOBER 3, 2014

A motion was made to adopt the minutes from the July 25, 2014 meeting.

Kent/Stephens

Motion Carried 5/0/1 (Mr. Hudson abstained)

A motion was made to adopt the minutes from the October 3, 2014 meeting.

Hudson/Kent

Motion Carried 4/0/2 (Mr. Holloway and Mr. Stephens abstained)

REPORT FROM THE ATTORNEY GENERAL

Natalie Stidd from the Attorney General's office reported that her office is currently being restructured under her new supervisor Terry Tolliver. Felicia Wagoner will keep the cases she has worked and will continue to work on them if her case load allows. We will be getting a new analyst. Incoming team members will be trained.

There were 21 complaints in 2014 with about 60% from consumers and about 40% from the Board. There were older cases that were tied up with newer complaints that stalled the time frame for the original complaint. There are currently 2 sets of complaints that involve several licenses that must have several cases.

REPORT FROM THE BOARD LIAISON

Mr. Kent, the Board's Liaison, met with Felicia to help with one complaint and helped her understand the profession better.

REVIEW OF PROBATIONARY REPORTS

J. Bernard Feeney (Holloway)- No report

Michael Sadlon (Stephens)- The Board has received reports from September, October, November and December 2014. Mr. Stephens stated he will have a discussion with Mr. Sadlon.

Ronald Morrison (Kent)- No report

Stephen Williams (Kent)- The Board received 1 survey just before the meeting began that was reviewed by Mr. Williams' mentor Mr. John Silnes. Because Mr. Williams was present, he stepped up to make a personal appearance. Mr. Kent asked one question of him regarding a deed dimension. Mr. Kent also noted a distinctive improvement and Mr. Williams efforts were applauded. Mr. Williams stated his mentor relationship with Mr. Silnes is going well. He also stated he normally does 2 surveys per year and that he does not anticipate having another survey until July. The Board explained that if he does not have a survey to submit, he would not need to appear and this policy will continue going forward.

PERMIT AND LICENSURE APPLICATIONS

Land Surveyor applications by Comity

John G. Brinkworth, III – APPROVED

John A. Campbell – Equivalent license from Maryland obtained in 1996. He would then need to meet the Indiana requirements from 1996. 12 semester hours of college level surveying, 8 semester hours of college level Science, and 12 semester hours of college level math are required to meet the education requirement. – DENIED

Michael P. Cochran – Short 2 semester hours of college level surveying courses – DENIED

Patrick S. Finn – Short 5 semester hours of college level surveying courses – DENIED

Mitchell E. Lowery – No degree and does not have college level math or science courses completed – DENIED

Robert E. Matko – APPROVED

Trevor A McMann – APPROVED

Dave V. Weaver – APPROVED

Land Surveyor applications by Examination

Neal A. Ballah Short 1 year of boundary experience (2.5 years of boundary experience required to meet the 60% of experience in boundaries requirement) - DENIED

Erik C. Bennett – APPROVED for October 2015 exam (needs a few more months of experience)

Jessica M. Hess – APPROVED

Christopher L. Lester – APPROVED

Patrick H. Nejman – APPROVED

Johnathan D. Polson – APPROVED

Eric L. Rothgerber – APPROVED

James N. Wonnell – APPROVED

Surveyor Intern

Christopher M. Buergelin – APPROVED

Jonathan D. Polson – APPROVED

Board Action: A motion was made to accept the Board's recommendations.

Lechner/Stephens

Motion Carried: 6/0/0

CONTINUING EDUCATION APPLICATIONS

Donald R. Williams – DLZ Corporation

The board will not approve any continuing education specific to marketing the business's services. After some deliberation the board decided to approve the Proposal and Presentation Development course for 3 hours of elective continuing education.

Board Action: A motion was made to approve the Proposal and Presentation Development course for 3 hours of elective continuing education.

Kent/Lechner

Motion Carried: 6/0/0

ADMINISTRATIVE HEARINGS

Brett R. Miller, LS20300059 – Re: Administrative Complaint

Cause No.: SBRLS 14-08

Continued to the April 17, 2015 meeting

Jerry D. Wiggins, LS8088002 – Re: Administrative Complaint

Cause No.: SBRLS 14-09

The court reporter was not sworn in because Mr. Wiggins submitted his request for a continuance and also stated that he did not wish to proceed without an attorney present.

Stated he contacted John Gregg of Sanborn who declined to take the case but offered to find another attorney for him. The new attorney suggested that Mr. Wiggins request a continuance to allow time to get their case together. Natalie Stidd from the Attorney General's office did not have an objection but did not agree because she felt plenty of time to prepare was given since the hearing notice was filed December 30, 2014.

Board Action: A motion was made to grant the continuance.
Hudson/Stephens
Motion Carried: 6/0/0

A motion was made to amend the previous board decision to include no further continuances would be allowed in this matter.

Lechner/DeBoy
Motion Carried: 6/0/0

DISCUSSION

Rule Review – The requests have been submitted by Ms. Hall to the executive director of the Professional Licensing Agency and she is waiting to hear back. Hopefully she will have an update by April. The argument is to make it easier to review applications and eliminate most delays for licensure.

Application Reference Form Revisal – The Board is requesting to adjust the reference form to clarify the information for the board and the reference. Ms. Hall has already reviewed it and submitted the form revised by Mr. Kent for approval. There are no more actions the board can take at this time on this matter.

The board also noted that some of the reference forms in the applications reviewed at the meeting were not complete with entire sections missing. Even though the NCEES records have some of the information, the board determined that our forms must be completed entirely and the NCEES documents would be supporting documentation. If the forms are not completed entirely including the detail sheet, the application review will be postponed until completed forms are submitted. Ms. Hall volunteered to adjust the instructions on the website to reflect the Board's wishes.

Continuing Education Audit – 9 professional surveyors (1.1% of active licenses) were chosen at random to participate in the August 1, 2012 through July 31, 2014 continuing education audit. Currently 7 licensees have responded and all were found to be compliant. The second notice to the remaining 2 professional surveyors was emailed out by Ms. Reed on January 28, 2015. Mr. Kent explained that during the last continuing education audit, the Professional Licensing Agency staff agreed to pull about 3% of the active licenses to participate in the audit. Unfortunately, this information was not presented to Ms. Hall or Ms. Reed until this time. They agreed to pull 2% more professional surveyors to provide a better sample of the licensees for the audit.

Job Creation Committee (JCC) Meeting from January 15, 2015 – Ms. Hall and Jason Coyle from the Indiana Society of Professional Land Surveyors gave the presentation citing national standards and the need to keep the state licensure for professional surveyors. Mr. Kent was present to help answer any questions asked by the Committee.

Although the Committee's recommendation will not be given until the next JCC meeting, Mr. Kent stated he would not be surprised if the recommendation would be to combine boards

Continuing Education (added by Mr. Kent) – Clarification on sponsors has been requested. If INDOT has a program put on by someone else, they would be able to advertise that INDOT is an approved provider and is compliant with the rule but cannot state the individual course provided by someone else is an approved course unless the Board approves the program.

Mr. Kent offered to approve continuing education applications by email between board meetings to expedite the approval process. The offer has been accepted by the board and will go into effect immediately.

Wiggins Continuance – Concerns were shared about the complaint filed against Mr. Wiggins (see continued hearing above) and another land surveyor named in the complaint. Mr. White advised the board to wait until the hearing in April to hear the evidence and then determine a complaint against another land surveyor may be appropriate.

NCEES Central Northeast Zone meeting in Hershey, Pennsylvania – The Board has requested for Mr. Lechner to appear on their behalf at the meeting.

A motion was made for Mr. Lechner to attend the NCEES Central Northeast Zone meeting.

Hudson/DeBoy

Motion Carried: 6/0/0

BOARD DIRECTOR'S REPORT

Ms. Hass had no updates at this time.

ADJOURNMENT

There being no further business and having completed its duties, the meeting of the State Board of Registration for Professional Surveyors adjourned at 10:46 a.m.